

CITY-COUNTY GENERAL ORDINANCE NO. 1, 2000

Proposal No. 1, 2000

METROPOLITAN DEVELOPMENT COMMISSION

DOCKET NO. 98-AO-8

AN ORDINANCE to amend certain sections of the Code of Indianapolis and Marion County, Appendix D, Part 19, The Sign Regulations of Marion County, Indiana, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands with the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the Metropolitan Development Commission and the City-County Council both desire to ensure that the Sign Regulations of Marion County, Indiana is within the parameters of the First Amendment to the Constitution of the United State of America; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Sign Regulations of Marion County, Indiana, Appendix D, Part 19 of the Code of Indianapolis and Marion County, Indiana, as adopted under Metropolitan Development Commission Docket Numbers 71-AO-4, 86-AO-1, 88-AO-3, 90-AO-2, 91-AO-2, and 97-AO-7, is further amended by adopting the language as follows:

A. That Section 2.10 be amended by deleting the stricken language, inserting the underscored language, and reordering the provisions as follows:

Sec. 2.10. Exempt signs.

The following signs are permitted in any zoning district and are exempt from other provisions of this Ordinance, except the provision for a clear sight area as noted in Chapter 2.00, Section 2.40, J. The area of such signs shall not be included in the calculation of the area of signs permitted for any parcel or use. The requirements for Improvement Location Permits (ILPs) shall not apply to certain of the signs specifically referenced in this section:

AB. *Construction signs, project* - One construction sign per project construction site shall be permitted on each street frontage of the project, subject to the following:

1. Maximum sign area. The construction sign shall not exceed:
 - a. sixty-four (64) square feet in area,
 - b. twenty (20) feet in height.
2. Additional standards. Further, such signs shall:
 - a. not be erected until the applicable zoning and platting approvals have been obtained.
 - b. be confined to the site of construction,
 - c. meet the setback requirements for signs in the applicable district; and,

d. be removed five (5) days after completion of construction and prior to occupancy.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

BC. *Flags, emblems or insignia of any nation, state or political subdivision* shall be permitted, provided the setback requirements for signs in the applicable district are met. In addition, one (1) flag, displaying a corporate emblem, shall be permitted for each business not located in an integrated center. A flag displaying a corporate emblem, however, shall be included in the calculation of the maximum sign area permitted for freestanding signs for the site.

An ILP shall not be required if the provisions noted above are satisfied.

GD. *Garage sale signs* - are permitted provided there shall be only one (1) sign, not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such sign shall be located on the lot having the sale and not on or within any public right-of-way. In the case of corner lots, one (1) additional sign is permitted on the other street frontage of the lot, for a maximum of two (2) signs on the lot. further, such sign(s) shall be permitted for no longer than two (2) days prior to the sale and be removed immediately after the sale is completed.

An ILP shall not be required if the provisions noted above are satisfied.

DE. *Historic or commemorative plaques*. An historic or commemorative plaque shall not exceed four (4) square feet. An ILP shall not be required if the provisions noted above are satisfied. Historic or commemorative plaques in excess of four (4) square feet shall be regulated and permitted as wall signs.

EE. *Home improvement, home construction, home remodeling signs* - are permitted, provided there shall be only one (1) such sign not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such signs shall be located on the lot the described activity is occurring, shall not be located on or within any public right-of-way, and shall be displayed only while such work is actually occurring.

An ILP shall not be required if the provisions noted above are satisfied.

FG. *House numbers and name plates* - House numbers and name plates, each not exceeding two (2) square feet in area, are permitted for each residential unit or dwelling.

An ILP shall not be required if the provisions noted above are satisfied.

House numbers and nameplates in excess of two (2) square feet in area shall be regulated as wall signs.

GJ. *Interior signs* - Signs located:

1. Within the interior of any building, or within an enclosed lobby or court of any building,
2. Located within the inner or outer lobby, court or entrance of any theatre, that are not viewable or intended to be viewable from the public right-of-way and do not qualify as "window signs" as herein defined, are permitted. An ILP shall not be required if the provisions noted above are satisfied.

HJ. *Memorial signs or tablets* - Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building, shall be permitted. Such signs shall not be located within any public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

IK. *Model home signs* - are permitted, provided there shall be only one (1) such sign not exceeding

sixteen (16) square feet in total surface area and four (4) feet in height located on the street frontage of the lot containing the model home. Such sign shall:

1. Not be located on or within any public right-of-way or located on the model home building; and,
2. Be removed immediately after the building no longer serves as a model home.

An ILP shall not be required if the provisions noted above are satisfied.

JL. Murals, defined as works of graphic art painted or applied to building walls, which contain no advertising, ~~identification~~ commercial messages, or logos. An ILP shall not be required if the provisions noted above are satisfied, however, such murals are still subject to all requirements of any overlay district zoning which may apply.

M. Noncommercial opinion sign, as defined in Section 6.00, shall be permitted, in any Dwelling District or for any legally established residence in any other zoning district, provided the following provisions are met:

Freestanding Sign-

1. Number of signs per street frontage - one (1)
2. Maximum sign area - six (6) square feet.
3. Maximum sign height - four (4) feet.
4. Setback - not within the public right-of-way, nor within the clear sight triangular area.

Window Sign - Regulated per the applicable zoning district provisions pertaining to window signs.

Noncommercial Opinion Signs shall have no time limits.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

KN. Official signs - authorized by a government or governmental subdivision which give traffic, directional, or warning information, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty. An ILP shall not be required if the provisions noted above are satisfied.

LO. Political signs - Political or campaign signs on behalf of candidates for public office or measures on election ballots are permitted for sixty (60) days prior to an election, and shall be removed within five (5) days after the election has been decided. Such sign shall not exceed six (6) square feet in total surface areas and (4) feet in height. No such sign shall be located on, within, or over the public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

MP. Public notices - Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents. An ILP shall not be required.

NQ. Public signs - Signs required or specifically authorized for a public purpose by any law, statute or ordinance, or Administrator's Approval; which may be any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected.

Signs authorized by Administrator's Approval shall:

- Not be applicable in any "Protected District",
- Be preceded by a Petition for Approval to the Hearing Examiner of the Metropolitan Development Commission with notice given to each neighborhood organization whose boundaries include all or some part of the subject request, and, including with respect to any petitions within the Regional Center, notice to all registered neighborhood organizations whose boundaries include all or part of the Regional Center.

Provided, the Administrator may approve public signs to be located temporarily, for a period not to exceed sixty (60) days, with the Central Business District for purposes of promoting specific civic, sporting or special events, on conditions that such signs be removed prior to the end of such period.

An ILP shall not be required.

OR. Real estate signs - Real estate signs announcing the sale or lease of that property by the owner or a real estate company shall be permitted, provided there shall only be one (1) sign for each lot, not exceeding:

1. Six (6) square feet in total area and four (4) feet in height (for all districts permitting single or two-family residential development); or,
2. Thirty-two square feet in total surface area and four (4) feet in height (for any other zoning district).

Such sign shall be located on the lot for sale or lease and not on or within any public right-of-way.

Real estate signs which remain on the site for no longer than one (1) year shall not be required to obtain an ILP, however, if such signs remain beyond the one year period, an ILP shall be required, and such signs shall meet the requirements applicable to freestanding identification signs of the District.

Exceptions: In the case of a:

1. Corner lot, one (1) additional sign, with the same maximum dimensions, is permitted, for a maximum of two (2) signs on a corner lot.
2. Through lot, one (1) additional sign, with the same maximum dimensions, is permitted on a second street frontage, for a maximum of two (2) signs on a through lot.
3. Lots which abut a water body or golf course, one (1) additional sign, with the same maximum dimensions, is permitted on the water or golf course frontage of the lot, for a maximum of two (2) signs on such a lot. This exception shall not apply if the water body is designated as a "greenway corridor" in the Indianapolis Greenways Plan", adopted by the Metropolitan Development Commission (May, 1994).

An ILP shall not be required if the provisions noted above are satisfied.

PS. Real estate signs, temporary directional - Temporary directional real estate signs shall not exceed twenty (20) per subdivision with no more than five (5) signs per subdivision allowed on the same street, in the same direction.

The maximum number of temporary directional real estate signs at an intersection shall be twelve (12). The intersection, for purposes of this provision, is defined as an area within one hundred (100) foot radius of the intersecting centerlines of two or more streets.

Temporary directional real estate signs shall be placed at no less than two hundred (200) feet from any sign of the same subdivision and no closer than twenty (20) feet from another temporary directional real estate sign.

Further, temporary directional real estate signs shall be permitted only if:

1. They are limited to freestanding signs not to exceed eight (8) square feet in total area or four (4) square feet per sign face and shall not exceed forty (40) inches in height.
2. Signs shall not be placed before 5:00 p.m. on Friday and shall be removed by 7:00 Am. on Monday. Signs shall be installed no earlier than 5:00 p.m. preceding any commonly recognized holiday and shall be removed by 7:00 a.m. the day following a holiday. All poles and stakes shall be completely removed.
3. Signs shall not be placed on private property without permission of the owner. signs shall be placed at least six (6) feet from the pavement edge of the street (said pavement edge of the street includes the shoulder). Signs shall not touch or block any road marking signs, nor shall they be attached to utility poles, trees or natural features.

An ILP shall not be required if the provisions noted above are satisfied.

QT. Seasonal or holiday signs-displays - ~~for display on private or public property shall be permitted shall not be considered signs and shall not be regulated by these regulations,~~ so long as they contain no commercial message, are primarily decorative in nature, and are clearly incidental and commonly associated with any national or religious holiday. ~~Such signs may be of any type, number, area, height, illumination or animation. Such signs shall not be located on or within any public right of way, and shall be set back a minimum of ten (10) feet from the lot lines of the property. An ILP shall not be required if the provisions noted above are satisfied.~~

RU. Temporary signs for grand openings or city-recognized special events -provided that the maximum sign area of each sign shall not exceed thirty-two (32) square feet. Temporary signs allowed under this subsection include pennants and banners.

1. Grand Openings: Temporary signs for grand openings may be erected not more than ten (10) days prior to the grand opening and shall be removed no more than five (5) days after the event. In no case shall such signs remain on the premises for more than thirty (30) days.
2. City-Recognized Special Events: Temporary signs for City-recognized special events may be erected throughout the year, however, the maximum number of days such signs may be displayed shall not exceed a total of thirty (30) days per year.

Such signs shall not be located on or within any public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

SV. Tombstones - An ILP shall not be required.

TW. Works of art - Three-dimensional works of art (statuary, sculptures), and two-dimensional works of art (i.e. murals) that are clearly artistic in nature and which do not promote commercial interests shall not be considered signs, and are exempt from regulation under this ordinance. An ILP shall not be required if the provisions noted above are satisfied.

UC. Incidental signs, other than directional, and parking and loading signs shall be permitted subject to the following:

1. The maximum height of the sign shall not exceed four (4) feet.
2. The maximum sign surface area shall not exceed one (1) square foot.

3. The sign shall be setback a minimum of ten (10) feet from the existing street right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

~~VA.~~ *Building outline lighting* - Outlining of structural/architectural elements of buildings, such as roof lines, doors, windows or wall edges using neon, incandescent, or similar type of lighting in any Commercial and Industrial District shall not be considered a sign, nor regulated by this ordinance. If, however, such outline contains text or logos, such items shall be considered signs and regulated by this ordinance according to their type. Outlining of structural/architectural elements of buildings using neon, incandescent or similar type of lighting shall be prohibited in any Protected district, and in no case shall it be permitted within six hundred (600) feet of a Protected District (see also Section 2.20 K, for restrictions on other types of outline lighting). In no case, however, shall such building outlining be flashing or be animated.

B. That Section 2.20, D, F, G, and H be amended by deleting the stricken language and inserted the underscored language as follows:

D. *Prohibition of signs affixed to utility poles, etc.* No sign or sign structure shall be affixed to, displayed, or located upon any utility pole, light standard, street, public transportation or school bus passenger shelter or bench, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless authorized under Section 2.10, ~~N Q~~ (Public Signs).

F. *Pennants.* Pennants shall not be permitted.

Exception: Temporary exception to this stipulation is noted in Section 2.10, ~~R~~, U "Temporary Signs for Grand Openings and Special Events."

G. *Banners.* Banners shall not be permitted.

Exceptions:

1. Temporary exception to this stipulation is noted in section 2.10, ~~R~~, N "Temporary Signs for Grand Openings and Special Events."

H. *Wind signs.* Wind signs shall not be permitted.

Temporary exception to this stipulation is noted in Section 2.10, ~~R Q~~, "Temporary Signs for Grand Openings and Special Events."

C. That Section 3.20, B, 8 be deleted.

D. That Section 3.20 be amended by adding a new subsection D as follows:

D. *Regulations for window signs.*

1. Where permitted. Window signs shall be permitted in any Dwelling District as noted in Chapter 5.00, Table B, "Permitted Sign Types" - On-Premise Signs - Residential Districts".
2. Maximum sign copy area. The sign copy area shall not exceed twenty (20) percent of the window surface area on which it is placed or through which it is viewed. However, in no case shall the sign copy area exceed a maximum of six (6) square feet.
3. Number of window signs. One (1) window sign shall be permitted for each building.

4. Illumination. Window signs shall be non-illuminated.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

E. That Section 3.30, B, 7 be deleted, and subsequent provisions renumbered as follows:

~~7. Window signs~~

~~The sign copy area shall not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed.~~

~~The sign surface area of window signs shall be calculated separately from the calculation of other building identification signs and shall not be included in the total area of other building identification signs permitted.~~

~~87. Awning and canopy signs. See Chapter 4.00, Section 4.10, "Awning and Canopy Sign Regulations."~~

~~98. Marquee signs. See Chapter 4.00, Section 4.20, "Marquee Sign Regulations."~~

F. That Section 3.30 be amended by adding a new subsection D as follows:

D. *Window signs.*

The sign copy area shall not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed, however, in no case shall the sign copy area exceed 100 square feet.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

G. That Section 3.40, B, 9 be deleted.

H. That Section 3.40 be amended by adding a new subsection D as follows:

D. *Window signs.*

1. Where permitted. Window signs shall be permitted in any Special Zoning District as noted in Chapter 5.00, Table C, - "Permitted Sign Types - On-Premise Signs, Special Zoning Districts".

2. Maximum sign area. The sign copy area of window signs shall not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed, however, in no case shall the sign copy area exceed 100 square feet.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

I. That Section 3.50, B, 10 be deleted.

J. That Section 3.50 be amended by adding a new subsection D, and renumbering the existing subsection D as follows:

D. *Window signs.*

1. Where permitted. Window Signs shall be permitted in any CBD District.

2. Maximum sign area. The sign copy area of window signs shall not exceed twenty (20) percent of the window surface area on which it is placed or through which it is viewed, however, in no case shall the sign copy area exceed 100 square feet.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

The Administrator, upon request by the applicant, shall have the power to modify the requirements of this provision and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surroundings and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative plan, stamped approved by the Administrator and become a part of the requirements for the Improvement Location Permit. Under no circumstances, however, shall the Administrator modify the content of a sign.

~~DE.~~ *Special regulations for promotional banners.*

K. That Section 4.30, A, 6 be deleted.

L. That Section 4.30 be amended by adding a new subsection D as follows:

D. Window signs.

Window signs shall be permitted provided they do not exceed twenty-five (25) percent of the window area on which it is placed or through which it is viewed.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

M. That Section 6.00, B, be amended by deleting the stricken language, and inserting the underscored language on the following definitions, as well as renumbering all definitions in this Section:

76. Noncommercial opinion sign. A sign which does not advertise products, goods, businesses, or services and which expresses an opinion or other point of view. A sign which meets the definition of an on-premise sign, an off-premise sign, and/or an advertising sign, shall not be considered a noncommercial opinion sign.

109. Seasonal or holiday sign display. Any temporary sign display, such as Christmas decorations, used for an historic holiday and installed for a short, limited period of time.

154. Wall sign. Any building sign attached parallel to, but within eighteen (18) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of on an outside wall of any building or structure, which is supported by such wall or building with no more than 50% of the sign structure extending above the wall, to a maximum extension of four (4) feet, and which displays only one sign surface (Refer to Diagram 32).

156. Window sign. Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed: 1) inside of, and within two (2) feet of, a window; or, 2) upon the window panes or glass, and is visible from the exterior of the window (Refer to Diagram 32).

SECTION 2. Severability. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. Attestation. This ordinance shall be in full force and effect upon its adoption in accordance with IC 36-7-4.

The foregoing was passed by the City-County Council this 14th day of February, 2000, at 9:08 p.m.

ATTEST:


Suellen Hart, Clerk, City-County Council



Dr. Beurt SerVaas
President, City-County Council

STATE OF INDIANA, MARION COUNTY)

) SS:

CITY OF INDIANAPOLIS)

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 1, 2000, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 14th day of February, 2000, by a vote of 28 YEAS and 0 NAYS, and was retitled General Ordinance No. 1, 2000, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 15th day of February, 2000.


Suellen Hart, Clerk, City-County Council

(SEAL)